

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



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Applicant's or agent's file reference RSJ08023WO	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/GB2004/004634	International filing date (day/month/year) 03.11.2004	Priority date (day/month/year) 07.11.2003
International Patent Classification (IPC) or national classification and IPC B42D15/00, B42D15/10		
Applicant DE LA RUE INTERNATIONAL LIMITED ET AL.		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ sent to the applicant and to the International Bureau a total of sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

Date of submission of the demand 05.09.2005	Date of completion of this report 17.02.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Evans, A Telephone No. +31 70 340-3580 

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/004634

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-17 as originally filed

Claims, Numbers

1-25 as originally filed

Drawings, Sheets

1-12 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	23-25
	No: Claims	1-22
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Item V.

1) Reference is made to the following documents:

D1: DE 101 27 979 C (OVD KINEGRAM AG ZUG) 7 November 2002 (2002-11-07)

D4: EP-A-0 522 217 (KURZ LEONHARD FA ;BANQUE DE FRANCE (FR)) 13 January
1993 (1993-01-13)

2) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A security device comprising a holographic or diffractive optically variable effect generating structure (col.2,l.16) which, when viewed normally i.e. perpendicularly to the plane of the device, replays at least one composite image (11), the composite image being defined by at least a pair of discrete image elements (12,13,14), the structure being such that at least two of the discrete image elements of the composite image have different optimal replay angles (col.2,l.63-67). (cf claim 1)

Particularly D1, col. 2, lines 60-67 appears to imply that the areas 12, 13 and 14 in figure 2 are not only viewable individually but also form together a composite image (12 + 13, 12+14, 13+14, 12+13+14) when the security element is rotated about it's three axes. Also D1, col. 2, l.58 states that 'Flächenmuster ist ein Mosaik....', therefore it has to be a composite image and D1, col. 2 lines 64-67 clearly state that the image is recognizable (erkennbare Bild) and for this to be the case some (if not all) of the areas would have to be viewable at the same time.

3) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 23 and 24 does not involve an inventive step in the sense of Article 33(3) PCT for the following reasons:

D4 discloses a security thread comprising separate individual reflective security elements. It would appear to be regarded by the skilled person as a normal design procedure to incorporate the features of the security element as described by D1 into a security thread as disclosed by D4 to arrive at the subject matter of claims 23 and 24.

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4) Dependent claims 2-21, 25 and independent claim 22 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Re Item VIII.

Claim 21: 'wherein each discreet image element is recognizable to the naked eye'. The term 'naked eye' is a relative term and is, as such, unclear according to Art 6 PCT.

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